

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SYLVIA STOLICKER,)	
)	
Plaintiff,)	Case No. 1:04-cv-733
)	
v.)	Honorable Robert Holmes Bell
)	
MULLER, MULLER, RICHMOND,)	
HARMS, MYERS & SGROI, P.C.,)	
)	
Defendant.)	
)	

ORDER DENYING MOTION FOR LEAVE TO AMEND COMPLAINT

This matter came on for hearing on plaintiff's motion to amend her complaint by adding a count for violation of Article 9 of the Michigan Occupational Code, MICH. COMP. LAWS § 339.101, *et seq.* At a hearing conducted on October 13, 2005, the court determined that amendment would be futile, because attorneys are expressly excluded from the definition of a licensee under the Michigan Occupational Code, no Michigan state court has ever held that attorneys are subject to licensing and regulation under the Occupational Code, and state law entrusts the state Supreme Court with exclusive power to regulate the conduct of attorneys. *See* MICH. CONST. 1963, art. VI, § 5; MICH. COMP. LAWS § 600.904; *Schlossberg v. State Bar Grievance Bd.*, 200 N.W.2d 219, 221 (Mich. 1972). The court therefore concluded that injection of a meritless claim at this stage of the proceedings would disrupt the orderly progression of the case and cause unnecessary expense to the parties. Accordingly, for the reasons set forth more fully on the record:

IT IS ORDERED that plaintiff's motion for leave to file an amended complaint (docket # 66) be and hereby is DENIED on ground of futility.

DONE AND ORDERED this 13th day of October, 2005.

/s/ Joseph G. Scoville
United States Magistrate Judge